

ATTORNEY DOCKET: 71163

**NOTICE OF APPEAL FROM THE**  
**PRIMARY EXAMINER TO THE BOARD OF APPEALS**


In re Application of : GERDER et al.  
Serial No. : 10/737,202  
For (title) : BREATHING GAS TUBE FOR A RESPIRATOR  
Filed : December 16, 2003  
Group Art Unit : 3771  
Dated : **February 14, 2008**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 222313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated November 14, 2007 of the primary Examiner finally rejecting claims 1-21.

Respectfully submitted  
for Applicant,

By:   
\_\_\_\_\_  
Theobald Dengler  
Reg. No. 34,575

(Rule 191 (b))

Post Office Address  
(To which correspondence  
is to be sent)

**McGLEW AND TUTTLE, P.C.**  
**SCARBOROUGH STATION**  
**SCARBOROUGH, NEW YORK 10510-9227**

TD:tf  
71163-12

SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-9227  
DATED: February 14, 2008

NOTE: SHOULD ANY FEE BE REQUIRED, THE PATENT AND  
TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE  
SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410 AND ADVISE.

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	10737202			
<b>Filing Date:</b>	16-Dec-2003			
<b>Title of Invention:</b>	Breathing gas tube for a respirator			
<b>First Named Inventor/Applicant Name:</b>	Henning Gerder			
<b>Filer:</b>	Theobald J. Dengler/ToniAnn Fonte			
<b>Attorney Docket Number:</b>	71163			
Filed as Large Entity				
<b>Utility      Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
Notice of appeal	1401	1	510	510
Post-Allowance-and-Post-Issuance:				
<b>Extension-of-Time:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				510

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	2862063
<b>Application Number:</b>	10737202
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	5742
<b>Title of Invention:</b>	Breathing gas tube for a respirator
<b>First Named Inventor/Applicant Name:</b>	Henning Gerder
<b>Customer Number:</b>	23872
<b>Filer:</b>	Theobald J. Dengler/ToniAnn Fonte
<b>Filer Authorized By:</b>	Theobald J. Dengler
<b>Attorney Docket Number:</b>	71163
<b>Receipt Date:</b>	14-FEB-2008
<b>Filing Date:</b>	16-DEC-2003
<b>Time Stamp:</b>	16:30:53
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
------------------------	----

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	71163-12.pdf	48101	no	2
			bb154125507a8f8bca4d3ee406b63e0ca bb12a6f6d		

**Warnings:**

**Information:**

2	Fee Worksheet (PTO-06)	fee-info.pdf	8125 <small>41d5d661de4816eaab49b77afafac4e88e919</small>	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			56226		
<p><b>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>          If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>          If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>          If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					